

LAW OFFICE  
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THOMAS F. MCFARLAND

October 16, 2009

Ms. Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

Re: STB Docket No. AB-497 (Sub-No. 5X), *Minnesota Northern Railroad, Inc. --  
Abandonment Exemption -- in Roseau County, MN*

Dear Ms. Rutson:

Hereby transmitted is an environmental comment in regard to the Draft Report in the  
above proceeding in behalf of the United States Department of Agriculture, Natural Resources  
Conservation Service, dated October 14, 2009.

Very truly yours,



Thomas F. McFarland  
*Attorney for Minnesota Northern  
Railroad, Inc.*

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cc: Mr. George LaPray, w/copy of comment, by e-mail to *mnn@rrv.net*

## United States Department of Agriculture



Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

*Helping People  
Help the Land*

Phone: (651) 602-7900  
Fax: (651) 602-7914

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October 14, 2009

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McFARLAND, P.C.

Thomas F. McFarland, PC  
208 South LaSalle Street, Suite 1890  
Chicago, Illinois 60604-1112

IN REPLY REFER TO: Minnesota Northern Railroad, Inc.

Dear Mr. McFarland:

The Natural Resources Conservation Service (NRCS) has reviewed the above referenced Project Amendments. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

The following agencies may have federal or state wetlands, floodplain delineation, cultural resources, water quality, air quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

- Army Corps of Engineers (USACOE) – Clean Water Act
- US Fish and Wildlife Service (FWS) – Endangered Species Act
- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)
- State Historic Preservation Officer/State Archaeologist (SHPO)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Since your project does not appear to permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA. Our agency appreciates your thorough follow up on the environmental review requirements of this project. We complement your sincere efforts to have complied with all economic, social, and environmental review requirements when federal funds are part of project financing. We have no additional comments on your proposed construction changes.

Sincerely,

JOHN E. BECKWITH  
Water Resources Staff Leader